

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. d/b/a TESLA MOTORS, INC.,

Defendant.

Case No. 3:17-cv-06748-WHO

**[PROPOSED] JUDGMENT**

On September 27, 2021, this matter came on for jury trial before the Hon. William H. Orrick. After a six-day jury trial, on October 4, 2021, the jury rendered a unanimous verdict in favor of plaintiff Owen Diaz and against defendant Tesla, Inc. and awarding Mr. Diaz Six Million, Nine Hundred Thousand dollars (\$6,900,000) in compensatory damages and One Hundred Thirty Million dollars (\$130,000,000) in punitive damages, for a total amount of One Hundred Thirty-Six Million, Nine Hundred Thousand dollars (\$136,900,000) in damages. (Dkt. 301.) The Court entered judgment in accordance with the jury's verdict. (Dkt. 307.)

On November 16, 2021, Defendant Tesla, Inc. moved for judgment as a matter of law, moved in the alternative for a new trial as to liability, and moved in the further alternative for remittitur or new trial as to damages. (Dkt. 317.)

On April 12, 2022, the Court denied Tesla's motion for new trial as to damages conditioned on Mr. Diaz accepting a remittitur to One Million, Five Hundred Thousand dollars (\$1,500,000) in compensatory damages and Thirteen Million, Five Hundred Thousand dollars (\$13,500,000) in punitive damages, for a total amount of Fifteen Million dollars (\$15,000,000). (Dkt. 328.)

On June 21, 2022, Mr. Diaz rejected the remittitur. (Dkt. 347.)

1 On June 27, 2022, the Court accordingly granted Tesla a new trial on damages. (Dkt. 348.)

2 On March 27, 2023, this matter came on for jury trial on damages before the Hon. William  
3 H. Orrick. The action was tried for five days from March 27, 2023 to March 31, 2023. On April 3,  
4 2023, the jury rendered a unanimous verdict. (Dkt. 463.)

5 The jury awarded Mr. Diaz past non-economic damages of One Hundred Thousand dollars  
6 (\$100,000), future non-economic damages of Seventy-Five Thousand dollars (\$75,000), and  
7 punitive damages of Three Million dollars (\$3,000,000), for a total amount of Three Million One  
8 Hundred Seventy-Five Thousand dollars (\$3,175,000).

9 Judgment is hereby entered in accordance with the jury's verdict of October 4, 2021 as to  
10 liability, and the jury's verdict of April 3, 2023 as to damages.

11 Post-trial motions, if any, shall be due within 28 days of entry of this judgment, and the time  
12 for filing any notice of appeal and any motion for stay of judgment pending appeal shall run from  
13 the date of the Court's decision on any such post-trial motions or the expiration of the 28-day period  
14 for filing such motions, whichever is later. The Court shall retain jurisdiction thereafter to determine  
15 the additional amounts, if any, that Tesla shall be required to pay to Mr. Diaz as reasonable statutory  
16 attorneys' fees and costs.

17 Post-judgment interest at the rate provided by law shall accrue on the award of damages  
18 commencing from the date of entry of this Judgment and shall accrue on the award of fees, expenses  
19 and costs, commencing from the date such amounts are awarded.

20  
21 **IT IS SO ORDERED.**

22  
23 DATED: \_\_\_\_\_, 2023

24  
25  
26 By \_\_\_\_\_  
27 Hon. William H. Orrick  
28 United States District Judge